

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**MARK EDWARD HURST,**

**Plaintiff,**

**vs.**

**Case No.: 2:11-cv-1090  
JUDGE SMITH  
Magistrate Judge King**

**OHIO DEPARTMENT OF  
REHABILITATION AND  
CORRECTION, *et al.*,**

**Defendants.**

**ORDER**

On August 7, 2014, the United States Magistrate Judge issued a *Report and Recommendation* recommending that Defendants Motion for Summary Judgment be **GRANTED**. (*See Report and Recommendation*, Doc. 107). The parties were advised of their right to object to the *Report and Recommendation* and of the consequences of their failure to do so. This matter is now before the Court on Plaintiff Mark Hurst's Objections to the *Report and Recommendation*. (*See* Doc. 109). The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

The objections present, once again, the issues presented to and considered by the Magistrate Judge in the *Report and Recommendation*. Plaintiff asserts that he has submitted evidence to establish a genuine issue of material fact with respect to his deliberate indifference claim. However, the Court agrees with the findings of the Magistrate Judge that Plaintiff has failed to produce evidence that Defendants acted with deliberate indifference. There is evidence

that nonsurgical management is appropriate in some cases. Plaintiff's disagreement with his course of medical treatment, however, does not satisfy his claim for deliberate indifference. Therefore, for the reasons stated in detail in the *Report and Recommendation*, this Court finds that Plaintiff's objections are without merit.

The *Report and Recommendation*, Document 107, is **ADOPTED** and **AFFIRMED**. Defendants' Motion for Summary Judgment (Doc. 96) is hereby **GRANTED**. Defendants' Motion to Strike is **DENIED AS MOOT**.

The Clerk shall remove Documents 96, 107, and 114 from the Court's pending motions list. The Clerk shall enter final judgment in favor of Defendants and close this case.

**IT IS SO ORDERED.**

/s/ George C. Smith  
**GEORGE C. SMITH, JUDGE**  
**UNITED STATES DISTRICT COURT**